

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6444

BILL NUMBER: SB 155

NOTE PREPARED: Dec 15, 2009

BILL AMENDED:

SUBJECT: Pawnbrokers.

FIRST AUTHOR: Sen. Taylor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a pawnbroker to return immediately a stolen item to an individual who alleges that the item was stolen from the individual if the individual:

- (1) presents the pawnbroker with a police report demonstrating that the item has been stolen;
- (2) presents the pawnbroker with a receipt that specifically identifies the stolen item by serial number; and
- (3) agrees to participate in the prosecution of and appear as a witness against the person who pledged or sold the stolen item.

The bill also provides that a pawnbroker who returns a stolen item to its owner has a cause of action against the person who sold or pledged the item to the pawnbroker. It makes conforming amendments.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: The venue of a cause of action will depend on the value of the stolen item. For items with a value less than \$6,000, the case is heard by a county small claims court if one exists. (In Marion County, it is a township small claims court that hears these cases.)

If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A small claims fee of \$35 would be assessed when a small claims action is filed, and a civil costs fee of \$100 would be assessed when a civil case is filed. Seventy percent of the fee would be deposited in the state General Fund if the case is filed in a court of record, or 55% would be deposited in the state General Fund

if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$35 small claims fee, or \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.